

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2004-10274-PBS

TONY DIAZ, ETC.,
Defendant.

ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)

COLLINGS, U.S.M.J.

A Final Status Conference was held on February 8, 2005.

The within Order is prepared pursuant to Local Rule 116.5(D). Using the
numeration of matters listed in Local Rule 116.5(C), I report as follows:

- (1) None.
- (2) No.
- (3) No.

- (4) The government has not requested notice of alibi.
- (5) No non-discovery motions will be filed without seeking leave of Court.
- (6) ***An Initial Pretrial Conference should be set AS SOON AS POSSIBLE to set a trial date. THE SPEEDY TRIAL ACT CLOCK IS RUNNING.***
- (7) The case will have to be tried; trial will last about five (5) days.
- (8) See Further Order of Excludable Delay entered this date.
- (9) Five (5) days.

Using the numeration of matters listed in Local Rule 116.5(D), I report as follows:

- (1) Yes.
- (2) Yes; no reason for the case to remain with the magistrate judge.
- (3) See ¶ (5), *supra*.
- (4) See ¶ (8), *supra*.
- (5) Five (5) days.
- (6) None.

I RECOMMEND that the Court set the case down for an Initial Pretrial Conference pursuant to Local Rule 117.1 ***AS SOON AS POSSIBLE TO SET A TRIAL DATE. THE SPEEDY TRIAL ACT CLOCK IS RUNNING.***

THE FILE IS RETURNED TO THE CLERK'S OFFICE WITH INSTRUCTIONS TO BRING THE CASE TO THE IMMEDIATE ATTENTION OF THE

COURTROOM DEPUTY CLERK ASSIGNED TO JUDGE SARIS' SESSION.

The Clerk shall enter on the docket the fact that the case "is no longer referred to Magistrate Judge Collings."

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

February 8, 2005.